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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL TRINIDAD YANEZ,

Defendant.

Case No: 1:23-CR-00152-ADA-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE AND REGARDING
EXCLUDABLE TIME PERIODS UNDER SPEEDY
TRIAL ACT; ORDER

THE PARTIES HEREBY STIPULATE, through their respective attorneys of record, Assistant United States Attorney Brittany M. Gunter, counsel for the government, and Ernest Scott Kinney, counsel for Michael Trinidad Yanez (“the defendant”), that this action’s **Wednesday, November 8, 2023, status conference be continued to Wednesday, February 28, 2024, at 1:00 p.m.** The parties likewise ask the court to endorse this stipulation by way of formal order.

The parties base this stipulation on good cause. Specifically,

1. The grand jury returned an indictment regarding this matter on August 10, 2023. The government prepared and delivered an initial set of discovery to defense counsel within the time limits set forth by Eastern District of California Local Rule 440. The defense is and has been reviewing discovery thus far provided.

2. The government currently believes all discovery has been produced pursuant to Rule 16. If the government identifies additional information that should be produced as supplemental discovery, the government will promptly produce it in accord with Rule 16.
3. By the time of the continued status conference and as all discovery is obtained, produced, and timely reviewed, the parties further intend to explore the extent this case can be resolved prior to trial.
4. Defense counsel needs more time to complete its review of the discovery, conduct any additional investigation, and communicate with both the defendant and government counsel about any potential pretrial resolution of this case.
5. The government does not object to the continuance.
6. The parties therefore stipulate that the period of time from November 8, 2023, through February 28, 2024, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: October 31, 2023

PHILLIP A. TALBERT
United States Attorney

By: /s/ BRITTANY M. GUNTER
BRITTANY M. GUNTER
Assistant United States Attorney

Dated: November 1, 2023

By: /s/ ERNEST SCOTT KINNEY
ERNEST SCOTT KINNEY
Counsel for Defendant

ORDER

IT IS ORDERED that the status hearing currently set for November 8, 2023, at 1:00 pm is continued until **February 28, 2024, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.**

IT IS FURTHER ORDERED THAT the period of time from November 8, 2023, through February 28, 2024, is excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: November 1, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE